

Senate Education Committee Amendment No. 1

Amendment No. 1 to SB2302

**McNally
Signature of Sponsor**

AMEND Senate Bill No. 2302*

House Bill No. 3126

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting Section 1 of the printed bill in its entirety and by substituting instead the following new language:

SECTION 1. Tennessee Code Annotated, Section 49-1-207, is amended by deleting the section in its entirety and substituting instead the following:

Section 49-1-207

(a) The commissioner of education, subject to approval by the state board of education, may authorize no more than eight (8) schools in each grand division of the state to operate as innovative educational programs which emphasize school-based decision-making and the creation of small learning communities. Such schools may include, but not be limited to, schools placed on notice or probation for failure to make adequate progress in meeting the rules, regulations and performance standards of the state board.

(b) Upon authorization of the local board of education, a director of schools or a principal may apply to the commissioner to operate an innovative educational program in accordance with an innovative educational plan approved under this section. Prior to application, the principal shall consult with such principal's faculty. The commissioner shall have discretion to approve the entire innovative educational plan or any part of it.

(c) The commissioner shall have discretion to waive any rules and regulations, except regulations relative to the health and safety of students and staff and regulations required by federal law, to accommodate the implementation of an innovative educational program.

In exercising such discretion, the commissioner shall consider whether the proposed waiver will improve the educational opportunities and performance of the subject students by the application of nonconventional curriculum and operational methods developed through local initiative and decision-making, to meet the rules, regulations, and performance standards of the state board.

(d) Schools authorized to operate as innovative educational programs shall allow for the transfer or reassignment of teachers to positions in other schools in the school system. When applicable, such transfers or reassignments shall be governed by a locally negotiated agreement. In the absence of a locally negotiated agreement, teachers shall be allowed to transfer or be assigned to the first vacancy in the school system that the teacher is qualified and certified to fill. If no position is immediately available, any teacher desiring a transfer or reassignment shall be placed on a priority preference list, with the transfer being made at the first possible opportunity.

(e) No local program approved by the commissioner of education shall reduce the level of state funding to an LEA under this title.

(f) At any time before the end of an approved innovative educational program, the school principal or the director of schools may recommend to the local board that the innovative educational program be terminated and that the school should return to operation under all applicable rules and regulations. The principal or the director of schools shall provide thirty (30) days' notice to the commissioner of such intent to withdraw from the innovative educational program.

(g) A local school board shall comply with provisions of Tennessee Code Annotated, Title 8, Chapter 44, when it considers any innovative educational plan under this section.

(h) No provisions of this section shall be construed to impact agreements negotiated under Title 49, Chapter 5, Part 6, the Education Professional Negotiations Act.

(i) A school operating an innovative education program in accordance with this section is not a charter school and cannot convert to a charter school after being authorized under this section to conduct an innovative education program.